

Message Text

CONFIDENTIAL

PAGE 01 ROME 09353 091313Z

46

ACTION L-03

INFO OCT-01 IO-13 ISO-00 OIC-04 AF-10 ARA-16 EA-11 EUR-25

NEA-10 RSC-01 DOTE-00 CAB-09 CIAE-00 COME-00 DODE-00

EB-11 INR-10 NSAE-00 FAA-00 PM-07 H-03 NSC-10 PA-03

PRS-01 SS-15 USIA-15 DRC-01 /179 W

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P R 091445Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 659

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMCONSUL MONTREAL

USMISSION USUN NEW YORK

C O N F I D E N T I A L ROME 9353

E.O. 11652: GDS

TAGS: ICAO, ETRN

SUBJECT: ICAO AIR SECURITY CONFERENCE: ANALYSIS OF VOTES
ON PRINCIPLE

MONTREAL FOR US REP ICAO

PLS PASS: LITTELL/CAB: DRISCOLL/DOT: STEWART/FAA

FROM AMBASSADOR ROUNTREE

SUMMARY: VOTES ON QUESTIONS OF PRINCIPLE IN ASSEMBLY
SEP 7 WERE UNIFORMLY FAVORABLE TO US POSITION
REGARDING UK/SWISS/FRENCH PROPOSAL. BREAKDOWN OF
VOTES SHOWED WIDE SPLITS AMONG ALL REGIONAL BLOCS.

1. AS BEING REPORTED SEPTEL ASSEMBLY TOOK DECISION
ON FIVE QUESTIONS OF PRINCIPLE ON SEP 7. US VOTED WITH
MAJORITY EXCEPT WHEN CASTING ABSTENTION ON STATE ACTS
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PAGE 02 ROME 09353 091313Z

QUESTION. IN USDEL VIEW SOMEWHAT SURPRISING VOTE TALLIES

RESULTED FROM (A) CONFLICTING OBJECTIVES WITHIN AFRICAN AND ARAB BLOCS; (B) CONFLICTING OPINIONS ABOUT RESULTS OF ASSEMBLY WITHIN AFRICAN AND ARAB BLOCS; (C) LACK OF UNDERSTANDING BY SOME DELS ON SOME ISSUES; AND (B) DESIRE AT THIS STAGE FOR ASSEMBLY TO PROGRESS IN ITS WORK.

2. FOREGOING VIEWS BASED UPON FOLLOWING ANALYSIS:

A. MANY ARAB DELS HAD EXPRESSED STRONG DESIRE FOR INCLUSION OF PROVISION ON STATE ACTS INTO NEW AMENDMENT.

B. MANY ARAB DELS HAD ALSO WISHED ARTICLE 87 SANCTION TO BE IN AMENDMENT BUT LIMITED TO STATE ACTS. THIS CONCLUSION BASED ON INFORMAL DISCUSSIONS AND ALSO INTERVENTIONS CALLING FOR VOTE ON STATE ACTS PRINCIPLE BEFORE VOTE ON ARTICLE 87 PRINCIPLE.

C. FRANCOPHONE AFRICANS HAD SUPPORTED GENERALLY FRENCH POSITION WHICH PRIVATELY OPPOSED ARTICLE 87 AMENDMENT.

D. EAST AFRICANS GENERALLY NEGATIVE ON ANY AMENDMENT TO CHICAGO CONVENTION.

E. THEREFORE, ON KEY QUESTION OF PRINCIPLE, AMENDMENT OF ARTICLE 87, USDEL SAW CONFRONTATION BETWEEN ARABS AND AFRICANS. AT SAME TIME AFRICANS WERE ATTEMPTING TO MAINTAIN SOLIDARITY WITH ARABS. THIS LED TO CALL FOR A SECRET BALLOT BY NIGERIA. USDEL CONSIDERED SECRET BALLOT REQUESTED TO ALLOW AFRICANS TO BLUNT ARAB EFFORT AT THIS TIME TO MAINTAIN POSITIVE POSTURE, WITHOUT PUBLIC CONFRONTATION THE MOTION FOR A SECRET VOTE (UPON WHICH THERE WAS A SECRET VOTE) FAILED, THOUGH IT RECEIVED 27 VOTES.

3. BEFORE VOTE ON ARTICLE 87 AMENDMENT SUDAN SOUGHT TO HAVE PRIOR VOTE ON PROPOSAL IT HAD SUBMITTED THAT MORNING (TRANSMITTED SEPTTEL) WHICH WOULD HAVE AMENDED ARTICLE 88 TO REQUIRE SUSPENSION OF AIR SERVICES ON CALL OF THE ASSEMBLY UPON RECOMMENDATION OF COUNCIL INSTEAD OF CONFIDENTIAL

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PAGE 03 ROME 09353 091313Z

THE COUNCIL MAKING THAT DECISION AS PROPOSED BY UK/SWISS THROUGH ARTICLE 87 AMENDMENT. USDEL BELIEVES UK DEL FACILITATED SUDAN DRAFT WHEN APPROVAL OF ARTICLE 87 AMENDMENT SEEMED DOUBTFUL, IT APPARENT HOPE OF HAVING A FALLBACK PROPOSAL ON THE FLOOR WHEN ARTICLE 87 AMENDMENT VOTED ON. HOWEVER, SUDANESE PROPOSAL, DUE TO DRAFTING DEFICIENCIES, GOT BOGGED DOWN ON PROCEDURAL ISSUE SO THAT SUBSTANCE NEVER DISCUSSED. THERE WAS PROTRACTED

DEBATE OVER WHETHER PROPOSAL WAS IN ORDER, WHEN IT SHOULD BE VOTED ON, ETC. PRESIDENT (DIALLO) FINALLY CALLED IT AN ALTERNATIVE MOTION (SINCE SUDAN HAD PRESENTED IT AS SUCH) AND THUS WOULD BE VOTED ON AFTER ARTICLE 87 AMENDMENT. SINCE ARTICLE 87 CARRIED, SUDANESE PROPOSAL NEVER PUT TO VOTE.

4. QUESTION OF PRINCIPLE ON INCLUSION OF ARTICLES 12 AND 14 WAS ANSWERED HEAVILY IN THE NEGATIVE. USDEL BELIEVES THAT THIS QUESTION WOULD HAVE RECEIVED MORE SUPPORT BY AFRO-ARABS IF THE CONSEQUENCES OUTLINED BELOW WERE PERCEIVED BY THOSE DELEGATIONS. AMONG OTHER CONSEQUENCES UDEL FELT INCORPORATING COULD HAVE: (A) IMPAIRED ICAO COUNCIL'S ROLE TO SETTLE DISPUTES; (B) KEPT COUNCIL FROM APPLYING NEW ARTICLE 87 SANCTION; (C) ELIMINATED RIGHT OF APPEAL FROM COUNCIL DECISION; (D) CAUSED RESERVATIONS TO BE INTRODUCED INTO CHICAGO; AND (E) POSSIBLY CAUSED DUAL INVESTIGATIONS AND FINDINGS TO BE ISSUED. HOWEVER, USDEL CHOSE NOT TO INTERVENE AND STATE OUR OBJECTIONS WHEN INFORMAL POLL BEFORE VOTE INDICATED QUESTION WOULD RECEIVE NEGATIVE ANSWER.

5. USDEL SUGGESTS FOLLOWING AS POSSIBLE FUTURE SCENARIO IN ASSEMBLY AS A CONSEQUENCE OF VOTES ON PRINCIPLE;

A. ARTICLE 87 AMENDMENT DID NOT RECEIVE ENOUGH SUPPORT TO CONVINCE USDEL IT WILL EMERGE IN FINAL AMENDMENT, EVEN IF IT IS AMENDED TO INCLUDE PROVISION AGAINST A STATE WHICH FORCIBLY INTERFERES WITH CIVIL AVIATION.

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PAGE 04 ROME 09353 091313Z

B. INCLUSION OF STATE ACTS IN THE AMENDMENT RECEIVED GOOD SUPPORT BUT SHORT OF TWO-THIRDS. USDEL FEELS THAT STATE ACTS WILL PRODUCE LONG DEBATE, PRODUCT OF WHICH (IF ANY) WILL BOTHER ENOUGH DELS THAT ITS ADOPTION WOULD BE UNLIKELY.

C. AS CONSEQUENCE FAILURE PRODUCE STATE ACTS, FORMULATION ARTICLE 87 AMENDMENT WILL LIKELY BE OPPOSED BY ARABS WHO VOTED FOR IT IN PRINCIPLE.

D. SUDANESE PROPOSAL TO AMEND ARTICLE 88 MAY WELL BE REVIVED. SINCE IT PLACES FINAL DECISION FOR SANCTION IN ASSEMBLY IT SHOULD BE MORE ATTRACTIVE TO AFRO-ARABS WHOSE INFLUENCE IS GREATER IN ASSEMBLY THAN ICAO COUNCIL. USDEL THUS NOT CONVINCED ELIMINATION OF SUDANESE

PROPOSAL AS A QUESTION OF PRINCIPLE HAS KILLED IT.
F. USDEL CONSIDERS BEST TACTIC AT THIS TIME IN
ASSEMBLY IS TO CONTINUE EFFORT FOR A STRONG AMENDMENT ON
ITS OWN MERITS AS WELL AS ON GROUNDS THIS ENHANCES CREDIBILITY
OF USDEL SUPPORT FOR SIMULTANEOUS ADOPTION OF
ACCEPTABLE INDEPENDENT CONVENTION, AND PRESERVES POSSIBILITY
OF ULTIMATE UK SUPPORT FOR INDEPENDENT CONVENTION.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIR SAFETY, INTERNATIONAL LAW, MEETING DELEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973ROME09353
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS VOLPE
Errors: N/A
Film Number: n/a
From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730946/aaaabibi.tel
Line Count: 177
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 20 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20-Sep-2001 by rowellE0>; APPROVED <27 FEB 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ICAO AIR SECURITY CONFERENCE: ANALYSIS OF VOTES ON PRINCIPLE
TAGS: ETRN, ICAO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005